

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RITA M. PEARSON,

Plaintiff,

v.

BARBARA M. BARRETT,
Secretary of the Air Force,

Defendant.

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Case No. 2:20-cv-00154

JUDGE ALGENON L. MARBLEY

Magistrate Judge Deavers

ORDER

This matter is before the Court on Defendant Barbara M. Barrett's Unopposed Motion to Remand this case to the Air Force Board for the Correction of Military Records. Doc. 19. The Sixth Circuit has instructed that "when an agency seeks a remand to take further action consistent with correct legal standards, courts should permit such a remand in the absence of apparent or clearly articulated countervailing reasons." *Citizens Against Pellissippi Parkway Extension, Inc. v. Mineta*, 375 F.3d 412, 416 (6th Cir. 2004). On remand, the Air Force Board for the Correction of Military Records will determine whether the Air Force notified Plaintiff Rita M. Pearson, in compliance with 10 U.S.C. §§ 1448 and 1455, that her late husband failed to elect participation in the Reserve Component Survivor Benefit Plan at the maximum level. There have been no countervailing reasons presented for the denial of remand. Accordingly, the Court **GRANTS** Defendants' Unopposed Motion to Remand [#19].

IT IS SO ORDERED.

/s/ Algenon L. Marbley
ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: June 17, 2020